

ADDITIONAL VIEWS OF SENATOR CARL LEVIN

Committee Chairman Collins and Ranking Member Lieberman deserve the nation's gratitude for their determined efforts in conducting the most detailed Congressional investigation of the events surrounding Hurricane Katrina. Congressional oversight is critical if we are to learn from the mistakes made in this disaster and strengthen the nation's emergency management capabilities.

The televised pictures of Americans dislodged from their homes and stranded for days at the New Orleans Superdome and Convention Center, without adequate food, water, or basic necessities, continue to haunt the public and raise questions about the competency of government. The Committee Report provides needed factual information about what actually happened, and important recommendations for reforms. It is clear, as the Report recommends, that we need to choose leaders for federal emergency management programs based on experience and qualifications, not cronyism. We need to create a central command post that gets and disseminates accurate, real-time information during emergency conditions. We need to restore emergency preparedness and mitigation initiatives in our federal emergency management programs. It is also painfully clear that Presidential leadership is essential during an unfolding disaster.

FEMA Reorganization. One of the Report's primary recommendations, the proposed reorganization of FEMA, raises difficult issues. Clearly, FEMA needs to be strengthened. It needs qualified leadership. It needs adequate funding. It needs to regain control of the state emergency preparedness grant programs. It needs to address all types of hazards, including natural disasters.

Whether FEMA should remain in DHS or return to independent agency status, however, is a complex issue that depends to a large extent on how the legislation reorganizing the agency will define its mission, its authorities, its assets, and its funding. Giving FEMA independent status would not automatically cure its ills. While it performed well under President Clinton as an independent agency, under President George H. W. Bush, it lost effectiveness as evidenced by FEMA's bungling response to the 1992 Hurricane Andrew. On the other hand, keeping FEMA within DHS would require it to continue to compete against a host of important programs, including those to promote border security and prevent terrorism. FEMA lost out to those other programs in the past, and the Committee Report does not identify reforms that would ensure FEMA would obtain a priority status or be able to protect its budget while within DHS.

Another problem involves issues of accountability and the chain of command. The Committee Report recommends that, during "catastrophes," the head of the newly reconstituted FEMA report directly to the President.¹ The Report does not, however,

¹ The Democratic Staff of the House Committee on Homeland Security recently made a similar recommendation, but specifically defined when the FEMA Director would report to the President. The

define “catastrophe,” specify when this direct reporting relationship should take effect, or clarify the authority of the DHS Secretary during such catastrophes. Moreover, the head of FEMA presumably continues to report to the DHS Secretary on routine matters such as the agency’s annual budget, long-term priorities, and programs to assist states to prepare for, mitigate, and recover from emergencies. The Report also recommends that the head of FEMA serve as a national emergency management advisor to the President, in a capacity that presumably bypasses the DHS Secretary. These alternative chains of command could create confusion and blur accountability.

For these and other reasons, I plan to wait to see the actual legislative proposals for reorganizing FEMA and consider the pros and cons at hearings before taking a position on this issue.

National Guard Coordination. I strongly endorse the finding in the Report that the “National Guard and active duty military response saved lives; provided urgent food, water, shelter, and medical care to many hurricane victims; and helped restore law and order, re-establish communications, and rebuild damaged roads.” Additionally, the Report finds that as soon as the DOD leadership recognized the severity of the disaster, it adopted an energetic, forward-looking posture that brought critical expertise and personnel to support the beleaguered state and federal first responders. I also fully agree with the findings and recommendations of the Report on how the response of DOD and the National Guard can be improved in the event of a future catastrophe or major disaster.

In particular, it is imperative that both DOD and the National Guard improve their planning and co-ordination in the event a large military response is needed for another catastrophe.

With respect to the deployment of National Guard forces, there is a clear need to better plan for large-scale deployments. As the Report recommends, the Governors should work with the Department of Defense to develop a coordinated, integrated process for the large-scale deployment of National Guard forces when such a large-scale deployment is requested by a Governor during a catastrophe.

report explains: “We recommend requiring a direct line of reporting between the Director of FEMA and the President of the United States during incidents of national significance.” “Redirecting FEMA Toward Success: a Report and Legislative Solution,” Prepared for Congressman Bennie G. Thompson, Ranking Member by the Democratic Staff of the Committee on Homeland Security, February 2006, page 35.

Communications. I also endorse the Report's focus on the importance of emergency communications. The Report states: "The problems of operability and interoperability of communications were a central part of the failures in the governments' response to Hurricane Katrina." To address this problem, I support the enactment of legislation providing a dedicated funding source for the purchase of interoperable communications equipment. States cannot afford to correct this problem on their own; they need federal assistance. I will continue to work with Senators Collins and Lieberman to ensure that any legislation arising out of this investigation includes dedicated funding for interoperability equipment.

Separated Families. One particularly disturbing aspect of the Katrina disaster involves the failure of federal, state and local governments to deal effectively with the problem of family members who became separated during the disaster. During evacuation and search and rescue efforts, some family members became separated, ending up in different places within the same state and sometimes in different states. Over 5,000 children were reported missing by family members, as well as over 13,000 adults. While the reported cases of missing children have since been characterized as resolved, it took nearly seven months for the last child to be reunited with her family.²

DHS and FEMA failed to take the lead in addressing this devastating problem. FEMA, for example, failed for a substantial period of time to make use of an existing database to assist in reuniting families. It did not set standards for states to use in evacuation efforts so that, for example, the name, origin, and destination of each evacuated individual was recorded. Instead, the Department of Justice tasked a single nonprofit agency, experienced in locating missing persons, to set up a hotline for reporting missing children and adults and to devise ways to try to reunite them with friends or family. In addition, charitable organizations, businesses, ad hoc groups, and even the media set up websites to help persons locate their loved ones.

One website identified 52 other websites with lists of Katrina survivors and missing persons.³ This website explained that it was providing the list of these databases to help people find missing friends and family members. It also pointed out the obvious: "There needs to be a way to pool this data so that people don't have to go from database to database looking for the information they seek."

FEMA not only failed to utilize a central database to track Katrina survivors and missing persons, it also failed to cooperate fully with the nonprofit agency tasked with reuniting families.⁴ Citing privacy issues that could have been resolved, FEMA declined to provide needed assistance and allowed the problem to fester for months.

² "National Center for Missing and Exploited Children Reunites Last Missing Child Separated By Hurricane Katrina and Rita," *Press Release*, March 17, 2006, at [http://www.missingkids.com/missingkids, accessed on May 4, 2006.]

³ www.rexblog.com/2005/09/03, accessed on May 4, 2006.

⁴ "FEMA Restricts Evacuee Data, Citing Privacy," *The Washington Post*, October 12, 2005, page A01; "FEMA Slows Search for Kids From Katrina," *The Washington Post*, December 23, 2005, page A06; "Coordinated search for the missing; Reuniting children separated from families after Hurricane Katrina should be a FEMA priority," *The Grand Rapids Press*, Grand Rapids Michigan: December 31, 2005, page

Some have argued that, during the next disaster, state and local governments should assume responsibility for tracking evacuees, resolving missing person reports, and reuniting separated family members. I disagree. People go missing when there are disasters of such magnitude that they overwhelm state and local capacity. The Committee Report states in the “Conclusions and Findings” section: “During a catastrophe, which by definition almost immediately exceeds state and local resources and significantly disrupts governmental operations and emergency services, the role of the federal government is particularly important.”

Catastrophic events also often affect multiple states. Even disasters confined to a single state may see persons evacuated to multiple states, as in the case of the New Orleans flood. It is unlikely that states will know ahead of time which of them will be involved in a particular disaster or in evacuation efforts. Even if they did, it is naive to think that multiple states facing imminent disaster can work out an effective plan for tracking evacuated individuals. Logic dictates that DHS should take responsibility for addressing the problem beforehand by developing standards and forms for collecting evacuee information, providing a common database or means for linking multiple databases to track evacuees and identify missing persons, and resolving privacy issues. Assigning this responsibility to the states instead, without a lead federal agency, is impractical and likely to ensure another round of confusion and heartache for misplaced persons and their families.

The House Committee report does not address this problem.⁵ The White House report briefly mentions it, but does not hold anyone accountable for the confused and inadequate response during Katrina, nor does it recommend corrective actions.⁶ Every day that families are separated during a disaster brings loss and sadness. Each separation consumes federal resources in the search for the missing. Each lost child, suffering alone without family or friends, is a tragedy. This is an issue that deserves our full attention.

Preventative action can avert much of the problem. Forms to track evacuees and identify missing persons, designation of a central database to accept and organize this information, standards for resolving privacy concerns, and methods to make appropriate information accessible are matters which can be worked out before disaster strikes, and then used to prevent tens of thousands of future cases of missing persons during disasters. These systems need to be developed before the next emergency. Where necessary, Congress needs to appropriate the funds needed to put these systems in place. I urge DHS to take on and complete this task prior to the upcoming hurricane season.

Unified Command. I agree with the points made by Senator Lieberman in his additional views, which I have joined, that FEMA must share the blame for the absence

A.12.; “FEMA stymies Katrina searches: Agency cites privacy laws in preventing efforts to find missing children,” *Charleston Daily Mail*, Charleston, W.V.: December 27, 2005, page 7.A.

⁵ “A Failure of Initiative: Final Report,” Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, February 15, 2006.

⁶ The White House, “The Federal Response to Hurricane Katrina Lessons Learned,” February 2006.

of a unified command in Louisiana during Katrina. It is abundantly clear from the record before the Committee that FEMA lacked an adequate number of trained personnel in Louisiana to establish a fully functional Incident Command System and a unified command for the response to Katrina. Under the National Response Plan, FEMA was the lead federal agency responsible for establishing a unified command in partnership with the State; neither FEMA nor the state had an adequate number of trained personnel to deal with a catastrophe of this magnitude. The absence of a unified command contributed to confusion and delays. Among the lessons learned from Katrina is the need for FEMA to take stronger action to ensure a unified command in future disasters.

Waste, Fraud, and Abuse. I am disappointed that the Committee investigation did not more fully tackle the issue of contract waste, fraud, and abuse. Our Committee has jurisdiction over federal procurement issues, and multiple examples of procurement failings came up during the Katrina hearings, including allegations involving no-bid contracts, inflated prices, unqualified contractors, and wasteful purchasing. More aggressive Congressional oversight could have helped identify the many problems and suggest needed reforms.

Active involvement by this Committee in Katrina procurement matters could still provide a significant boost to efforts to prevent contract problems during the Katrina recovery effort. I hope the Committee will redouble its efforts to prevent, expose, and remedy contract waste, fraud and abuse during the Katrina recovery.

FEMA and DOD. Finally, I would like to note one matter that merits a clarification. The Report's Executive Summary states that even after DOD Deputy Secretary England issued a "blank check" to Admiral Keating to provide DOD assistance in the Katrina disaster, and the Chairman of the Joint Chiefs of Staff General Myers directed DOD commanders to move potentially useful assets in advance of FEMA requests, "some FEMA officials believe that DOD's approval process continued to take too long." As the Report implies, however, the majority of FEMA officials were satisfied with DOD's approval process and the efforts it made to assist FEMA during the Katrina disaster. As FEMA Federal Coordinating Officer William Lokey said: "What I will speak to is Colonel Daskevich and his people. They ... [did] anything I asked them to do ... everything they could for the people in Louisiana."¹

¹ Interview of William Lokey, FEMA Federal Coordinating Officer, November 4, 2005, at p. 136.